

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, FEBRUARY 5, 2004  
8:15 A.M.**

Commissioners Present: Ray Stevens, Chair  
Bernie Heier  
Deb Schorr

Commissioners Absent: Larry Hudkins, Vice Chair  
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Kristy Mundt, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Trish Owen, Chief Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:16 a.m.

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY,  
JANUARY 29, 2004**

**MOTION:** Heier moved and Schorr seconded approval of the Staff Meeting minutes of January 29, 2004. Schorr and Heier voted aye. Stevens abstained from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Starting Time for February 10, 2004 Board of Commissioners Meeting
- B. Request from Russ Shultz, Weed Control Authority Superintendent, to Attend Two Conferences (Weed Science Society of American - North American Weed Management Association Invasive Plant Species Workshop, February 12-13, 2004 in Kansas City, Missouri and 5<sup>th</sup> Annual National Invasive Weeds Awareness Week, February 23-26, 2004 in Washington, D.C.) (Exhibit A)

- C. Withdrawal of Agenda Items 10, 11 and 15K
- D. Letter to University of Nebraska Lincoln (UNL) Regarding Northwest 70<sup>th</sup> and West Superior Streets

**MOTION:** Heier moved and Schorr seconded approval of the additions to the agenda. Heier, Schorr and Stevens voted aye. Motion carried.

### **3 COMMISSIONER MEETING REPORTS**

- A. Lancaster Manor Advisory Committee - Hudkins

No report.

- B. Nebraska Association of County Officials (NACO) Legislative Committee - Workman

No report.

- C. Lincoln-Lancaster County Ecological Advisory Committee - Heier

Heier said he plans to meet with Dick Esseks, Lincoln-Lancaster County Ecological Advisory Committee Chair, and will reiterate the Board's expectations.

- D. Lincoln Partnership for Economic Development (LPED) Investors - Stevens

Stevens said the Mayor reported on the state of Lincoln's economy. There was also a presentation on Madonna Rehabilitation Hospital's plans to build a sports medicine facility.

- E. Parks & Recreation Advisory Board - Schorr

No report.

- F. Community Learning Leadership Council

No report.

- G. Lincoln Independent Business Association (LIBA) Monthly Meeting

Heier reported discussion of impact fees and the Lancaster Event Center.

**4 LEGISLATIVE UPDATE** - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

**A. LB 870 Letter**

The Board reviewed a draft of a letter to State Senators (see agenda packet) stating the Board's opposition to LB 870 (Change a voting requirement for municipal county consolidations). The Board decided to defer action on the letter until the February 19, 2004 Staff Meeting.

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit B).

Kerry Eagan, Chief Administrative Officer, expressed concerns regarding LB 1169 (Adopt the Nebraska Land Information Systems Program Act).

Dave Kroeker, Budget and Fiscal Officer, said the City and County will benefit from the distribution formula in LB 912 (Reallocate certain motor vehicle registration fees).

Kroeker recommended that the Board support the increased funding for roads as proposed in LB 1181 (Provide increase in the fuel taxes) and work to change the distribution formula at a later time. He said Don Thomas, County Engineer, plans to testify on the bill and agreed to draft a supporting document.

**5 STATE FAIR UPDATE** - Pat Lloyd, State Fair Director

Pat Lloyd, State Fair Director, presented State Fair Park, Partnering Committee Report & Recommendations, Executive Summary (Exhibit C) and said the Partnering Committee expressed strongest support for Concept B2 - Joint State and Lancaster County Fairs at State Fair Park. Additional key recommendations were:

- Update the Master Plan Immediately
- Seek Legislative Approval for \$2 Million Annual Lottery Proceeds
- Seek Increase in Lodging Tax

Schorr recommended that Lloyd seek input from the Visitors Promotion Advisory Committee (VPAC).

Heier asked whether consideration had been given to moving the State Fair to 84<sup>th</sup> and Havelock Avenue, site of the Lancaster Event Center.

Lloyd said yes, but said property holdings are not sufficient. He said Mayor Seng has also expressed concern regarding the impact to an area neighborhood.

Stevens asked whether a racetrack could be built in the floodplain, stating there is additional land at 84<sup>th</sup> and Havelock Avenue site that is within the floodplain.

Lloyd said construction of a permanent structure would be challenging.

**6 DRUG COURT CONTRACT WITH ST. MONICA'S** - Mike Thew, Chief Deputy County Attorney; Kristy Mundt, Deputy County Attorney

Mike Thew, Chief Deputy County Attorney, said the County entered into a one year contract with St. Monica's in August, 2001 to provide for substance abuse treatment for adult females participating in Adult Drug Court, with reimbursement capped at \$450 per participant. An amendment with an automatic renewal clause was approved in July, 2002, capping reimbursement at \$15,000 per year. An subsequent amendment was scheduled on the February 3, 2004 Board of Commissioners Meeting agenda that would have increased the cap to \$25,000 (\$720 per participant). The item was held at the request of the County Attorney's Office. Thew said Judge Flowers has informed him that St. Monica's has been operating under terms incorporated in the amendment since mid-summer, 2003. He said it appears that the Adult Drug Court Coordinator negotiated the new terms, but did not bring them forward to the Board. Thew said he will discuss the matter further with St. Monica's and asked whether the Board would be willing to make the amendment retroactive to the date the payment differential was initiated.

The Board indicated a willingness to do so. The Board also requested an explanation of services.

**7 FINALIZE BUDGET CALENDAR** - Dave Kroeker, Budget and Fiscal Officer

Dave Kroeker, Budget and Fiscal Officer, reviewed the budget calendar (see agenda packet).

The Board asked Kroeker to: 1) Move the final work session on the proposed budget from July 15, 2004 to July 16, 2004; 2) Consolidate the budget calendar documents; and 3) Revise the reference to the economy in the second paragraph of the letter to county departments regarding the 2004-05 budget requests.

**8 QUESTIONABLE CLAIM FROM HUMAN SERVICES (PV 837-1112) -**  
Kit Boesch, Human Services Administrator

Kit Boesch, Human Services Administrator, reviewed a questionable claim (PV 837-1112) for payment in the amount of \$622 for insurance for Rose Hughes (Contract No. C-03-0443) and Kristi Pfeiffer (Contract No. C-03-0423) in which their contracts state the County shall not be responsible for the payment of any insurance. She explained that the insurance costs were included in the Nebraska Crime Commission Grant and said a similar claim for Diane Fern was approved. Three additional claims will be coming forward.

Board consensus was to handle the claim through the regular claims process.

**9 WILDLIFE DAMAGE MANAGEMENT -** John Hobbs, United States Department of Agriculture (USDA)

John Hobbs, United States Department of Agriculture (USDA), gave a Power Point presentation on the Wildlife Services Program within the USDA's Animal and Plant Health Inspection Service (APHIS) (Exhibit D), noting property, roads, bridges, dams, water drainage systems, aircraft, agriculture and aquaculture are all vulnerable to wildlife damage.

Brief discussion took place regarding whether to hire a wildlife specialist to serve Lancaster County or investigate splitting the cost (estimated at \$60,000) with other entities. Board consensus was to schedule a work session with Ron Stetson (a private contractor) and representatives of the Lincoln-Lancaster County Health Department; Lower Platte South Natural Resources District (NRD); Animal Control; Lincoln Parks & Recreation Department and surrounding counties.

Also present were: Don Thomas, County Engineer, and Jerry Minchow, rural landowner.

**10 ACCOUNTING SYSTEM CONTRACT WITH PEOPLESOFT -** Dave Kroeker, Budget and Fiscal Officer; Jim Walkenhorst, Information Services Systems Project Manager; Kristy Mundt, Deputy County Attorney

Item withdrawn from the agenda.

**11 SECURITY DOOR AT TRABERT HALL -** Dave Kroeker, Budget and Fiscal Officer; Jessica Pendleton, Families First & Foremost (F<sup>3</sup>)

Item withdrawn from the agenda.

**12 A) OLD ATTENTION CENTER; AND B) PROBATION SPACE IN THE INTAKE AND CORRECTIONS FACILITY** - Don Killeen, County Property Manager; Mike Thurber, Corrections Director

**A) Old Attention Center**

Don Killeen, County Property Manager, noted plans for CenterPointe to lease the Attention Center for Youth Building, 2220 South 10<sup>th</sup> Street, for its juvenile component. He said renovations are required and recommended that the costs (estimated at \$200,000 to \$300,000) be included in the bond issue for the Community Blood Bank Building, 2966 "O" Street, stating CenterPointe will pay the debt service as a rent factor. Killeen requested authorization to proceed with the renovation and include the project into the bond issue.

**MOTION:** Schorr moved and Heier seconded approval of the request. Stevens, Heier and Schorr voted aye. Motion carried.

The Board asked that a tour of the facility be scheduled.

**B) Probation Space in the Intake and Corrections Facility**

Mike Thurber, Corrections Director, asked the Board to relocate Adult Probation offices housed at the Adult Detention Facility, 605 South 10<sup>th</sup> Street, as soon as possible to make room for jail functions (Exhibit E). He noted that the Master Space Study recommended that the offices be moved to the 233 Building.

Killeen said the State has vacated some of the space that it leases in the 233 Building and is looking for other functions to occupy the space.

**MOTION:** Heier moved and Schorr seconded to direct Don Killeen, County Property Manager, to notify Steve Rowoldt, Adult Probation, that the County would like Adult Probation to move its offices out of the Adult Detention Facility, as soon as possible and to pursue relocation of those offices to the 233 Building. Schorr, Heier and Stevens voted aye. Motion carried.

**13 CONTRACT WITH BURLINGTON NORTHERN/SANTA FE RAILROAD** - Kristy Mundt, Deputy County Attorney; Virgil Dearthmont, County Engineering

Virgil Dearthmont, County Engineering, reviewed plans to replace a narrow, deficient bridge over Beal Slough on Pioneers Boulevard (see photographs in Exhibit F). He said an easement from the Burlington Northern/Santa Fe Railroad is required.

In response to a question from Heier, Dearmont said a two lane bridge is planned.

Heier and Schorr said they believe a four lane bridge is needed, as traffic will increase when Old Cheney Road is closed at Highway 77.

Heier noted that sewer and water lines are going into the area and said the City should assist with the project.

Stevens asked whether the railroad has agreed to the easement.

Kristy Mundt, Deputy County Attorney, explained that the railroad requires a construction and maintenance agreement and insists on elimination of the insurance requirements and hold harmless provisions.

**MOTION:** Heier moved and Schorr seconded to table the discussion until all commissioners are present.

The Board asked Dearmont to inform the County Engineer that the Board would like answers to the following questions:

- 1) Why is a two lane, rather than a four lane, bridge proposed?
- 2) Why isn't County Engineering promoting an overpass?
- 3) What type of interchange is planned for Pioneers Boulevard and Highway 77?

**ROLL CALL:** Schorr, Heier and Stevens voted aye. Motion carried.

## 14 ACTION ITEMS

### A. Randall Funding and Development, Inc. Strategic Funding Plan

Gwen Thorpe, Deputy Chief Administrative Officer, presented Randall Funding and Development, Inc. Strategic Funding Plan (Exhibit G), noting three priority areas:

- 1) Public Safety/Administration of Justice
- 2) Social Services/Quality of Life
- 3) Infrastructure

The Board asked that sustainability of Juvenile Mental Health, prevention coalition and community improvement be added to the second tier of priorities.

### B. Hiring Request from Lancaster Manor for Activities Assistant

**MOTION:** Heier moved and Schorr seconded approval. Schorr, Heier and Stevens voted aye. Motion carried.

C. Agreement with Windsor Stables for Employee Awards Luncheon

**MOTION:** Schorr moved and Heier seconded approval. Heier, Schorr and Stevens voted aye. Motion carried.

D. Letter of Support for Lincoln Convention & Visitors Bureau (CVB) Bid to Retain the United States Amateur Roller Sports (USARS) National Speed and Figure Skating National Championships

**MOTION:** Heier moved and Schorr seconded approval. Schorr, Heier and Stevens voted aye. Motion carried.

E. Request from Kit Boesch, Human Services Administrator, to attend the Power of Prevention Convention in Dallas, Texas (February 25-27, 2004)

**MOTION:** Heier moved and Schorr seconded to: 1) Approve the travel request, up to \$1,100; and 2) Direct Dave Kroeker, Budget and Fiscal Officer, to identify the appropriate funding source and transfer the funds to the Human Services Budget. Heier, Schorr and Stevens voted aye. Motion carried.

F. Microcomputer Requests:

1. C#2004-054, \$1,424.95 from the Public Defender's Budget for Computer Software (Dragon Naturally Speaking)
2. C#2004-053, \$429 from the Microcomputer Fund for Computer Software (Imaging Professional) for Election Commissioner

**MOTION:** Heier moved and Schorr seconded to: 1) Approve Item 14F1; and 2) Approve Item 14F2 and direct Dave Kroeker, Budget and Fiscal Officer, to determine the appropriate funding source. Stevens, Heier and Schorr voted aye. Motion carried.

G. Payroll Insert (Pension Notices for Internet Access and Morningstar)

**MOTION:** Schorr moved and Heier seconded approval. Schorr, Heier and Stevens voted aye. Motion carried.

#### **RETURNING TO LEGISLATIVE UPDATE**

Dave Kroeker, Budget and Fiscal Officer, appeared and presented a letter indicating the Board's support of the increased funding for roads as proposed in LB 1181 (Exhibit H).

**MOTION:** Heier moved and Schorr seconded to: 1) Authorize signature by the Chair; and 2) Authorize a copy of the letter to be faxed to Larry Dix, Nebraska Association of County Officials (NACO) Executive Director, for presentation to the Nebraska Legislature's Revenue Committee. Schorr, Heier and Stevens voted aye. Motion carried.

## 15 ADMINISTRATIVE OFFICER REPORT

A. Address Markers for Unincorporated Villages

**MOTION:** Schorr moved and Stevens seconded to exclude the unincorporated villages from the rural addressing scheme. Schorr and Stevens voted aye. Heier voted no. Motion carried.

B. Request from Brian Carstens, Brian D. Carstens & Associates, to Remove County Change of Zone No. 211, and County Preliminary Plat No. 02029, The Preserve at Cross Creek, from Pending

**MOTION:** Heier moved and Schorr seconded to move forward with the request.

Heier noted that the request was dated January 16, 2004 and expressed concern about the length of time it took to get the item before the Board.

**ROLL CALL:** Heier, Schorr and Stevens voted aye. Motion carried.

C. Policies - Grant Submission Policy with Randall Funding and Development, Inc., Claims for Review Policy

The Board scheduled action on the policies on the February 10, 2004 Board of Commissioners Meeting agenda.

Thorpe said she will prepare policy manuals for agency directors.

D. Government Access and Information Committee (GAIC) Appointment (Exhibit I)

The Board scheduled the item on the February 10, 2004 Board of Commissioners Meeting agenda.

E. National Association of County Officials (NACo) Membership

Item held.

F. Appointment of Oscar Rios Pohirieth to County Extension Board

The Board scheduled the item on the February 10, 2004 Board of Commissioners Meeting agenda.

G. Appointment to Commissioners Award of Excellence Program

The Board scheduled the item on the February 17, 2004 Board of Commissioners Meeting agenda.

H. Letter from Dean Settle, Community Mental Health Center Director, Regarding Additional Billed Hours from Doctor Mary Paine

Eagan said Dean Settle, Community Mental Health Center Director, did not budget for the work or seek pre-approval from the Board. He said the work exceeds the scope of Dr. Paine's contract and will be scheduled as a questionable claim.

I. Staff Meeting Scheduling

Board consensus was to schedule a Staff Meeting immediately following the Board of Commissioners Meeting, as needed.

J. Surplus County Board Computer

Board consensus was to move the surplus computer to Commissioner Heier's Office.

K. Update on Questionable Claim from Families First & Foremost (F<sup>3</sup>) (PV 782-5000), \$242.00 for Holiday Cards

Item withdrawn from the agenda.

L. Jail Interlocal Agreement

Stevens and Eagan will schedule a meeting to discuss the jail interlocal agreement.

**ADDITIONS TO THE AGENDA**

A. Starting Time for February 10, 2004 Board of Commissioners Meeting Agenda

Board consensus was to set the starting time at 2:30 p.m., due to a scheduling conflict.

- B. Request from Russ Shultz, Weed Control Authority Superintendent, to Attend Two Conferences (Weed Science Society of American - North American Weed Management Association Invasive Plant Species Workshop, February 12-13, 2004 in Kansas City, Missouri and 5<sup>th</sup> Annual National Invasive Weeds Awareness Week, February 23-26, 2004 in Washington, D.C.) (Exhibit A)

**MOTION:** Schorr moved and Heier seconded approval. Schorr, Heier and Stevens voted aye. Motion carried.

- C. Withdrawal of Agenda Items 10, 11 and 15K

The items were withdrawn from the agenda.

- D. Letter to University of Nebraska Lincoln (UNL) Regarding Northwest 70<sup>th</sup> and West Superior Streets

Eagan said there are questions regarding whether the project will be moved forward in the One and Six Year Road and Bridge Improvement Program and if an additional ten feet of right-of-way is needed (see Staff Meeting minutes of January 29, 2004). He recommended further discussion with the County Engineer before sending the letter.

## **16 ADJOURNMENT**

**MOTION:** Schorr moved and Heier seconded to adjourn the meeting at 12:23 p.m. Heier, Schorr and Stevens voted aye. Motion carried.

---

Bruce Medcalf  
Lancaster County Clerk